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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,821	11/19/2003	Kouji Imanishi	024629-00005	3652
4372	7590	05/31/2006	EXAMINER	
ARENT FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			ORTIZ, BELIX M	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,821

Applicant(s)

IMANISHI, KOUJI

Examiner

Belix M. Ortiz

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/6/04, 05, 06.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: the preamble is incomplete. The claim recites "A...that performs". Does not explain, what performs coordination management. Appropriate correction is required.
2. Claims 4 and 8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 1 and 5 recites the limitation "the same shipping company" or "said same shipping company" in lines 2-3 and 19-20; "the port" or "said port" in lines 3-4 and 21; "the container yard" or "said container yard" in lines 3, 6, and 21; "the empty containers" in line 5; "the schedule date" in lines 8, and 12; "the specifications" in lines 9 and 13; "the number" in lines 10 and 14; "the shipping company" in line 10; " the export

document” in line 13; “the date” in line 16; and “the various information” in line 18.

There is insufficient antecedent basis for this limitation in the claim.

6. Claims 1, 3, 5, 7 have the phrase "can be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.
See MPEP § 2173.05(d).
7. Claims 2-4 and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being dependent from rejected dependent claims 1 and 5.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
9. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takehara et al. (U.S. patent 6,768,931).

As to claims 1 and 5, Takehara et al. teaches a that performs coordination management for transporting containers belonging to the same shipping company from after loaded containers belonging to said same shipping company enter the port and customs procedures are completed at the container yard at the port until said containers are transferred

to a location A, said containers are unloaded at location A, then the empty containers are transferred to a location B and loaded at location B, then the loaded containers are transferred to the container yard at the port where customs procedures will be performed (see column 6, lines 32-42), and comprises:

a container-transport-coordination-management apparatus that, when the date said containers will enter the port is set, performs coordination management for transporting said containers based on the various information registered in said database for location A and said database for location B in order to find which containers belonging to said same shipping company can be shared between location A and location B (see column 12, lines 54-57 and column 12, lines 63-67) (This claim limitation is optionally recited accordingly it does not hold any patentable weight); and

terminals that are located at said container yard at said port and at said location A and said location B and that can be used to access said container-transport-coordination apparatus (see column 12, lines 54-57 and column 12, lines 63-67) (This claim limitation is optionally recited accordingly it does not hold any patentable weight).

Takehara et al. does not expressly show a database for location A in which various information indicating the scheduled date for unloading based on the import documents for said location A, the specifications for the containers used, the number of containers used and the shipping company used is registered (see Takehara et al., column 6, lines 32-38); and

a database for location B in which various information indicating the scheduled date for loading based on the export documents for said location B, the specifications for the containers used, the number of containers used and the shipping company used is

registered (see Takehara et al., column 6, lines 32-38).

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use database to organize any type of data.

As to claims 2 and 6, Takehara et al. teaches wherein said container-transport-coordination-management apparatus comprises:

a schedule-creation unit that creates schedules for unloading at said location A and schedules for loading at said location B based on the various information registered in the database for said location A and the database for said location B (see column 1, lines 43-48);

a matching-operation unit that finds a match from the schedules for unloading and the schedules for loading that were created by said schedule-creation unit (see column 6, lines 32-38); and

an instruction-form-issuing unit that issues a schedule-instruction form for transporting containers based on the results of matching by said matching-operation unit (see abstract).

As to claim 3 and 7, Takehara et al. teaches wherein
said container-transport-coordination-management apparatus comprises a container-transport-coordination unit that performs coordination when said containers are delayed in entering the port, or when it is learned that said container that entered the port and that is at said container yard at the port is damaged, or when it is learned that said container at said location A is damaged, such that another different empty container belonging to said same company can be used (see column 2, lines 5-10).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on Monday-Friday 9am-5pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bmo


SAM RIMELL
PRIMARY EXAMINER

May 26, 2006